

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
N/S Spirit Lane, 100' E of c/l of Greenacres Valley Rd.
2nd Election District
1st Councilmanic District
ALEX KOSS
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-178-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1802.3.D (V.B.C.B.) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an open projection (deck) to be 8 ft. in lieu of the required 11.75 ft. in a D.R. 16 zone, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 1802.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20 day of October, 1991 that the Petition for a Zoning Variance from Section 1802.3.D (V.B.C.B.) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an open projection (deck) to be 8 ft. in lieu of the required 11.75 ft. in a D.R. 16 zone, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

ORDER RECEIVED
Date

-2-

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



SSC 4354

November 22, 1991

Mr. Alex Koss
2 Spirit Lane
Owings Mills, Maryland 21117

RE: Petition for Residential Zoning Variance
Case No. 92-178-A

Dear Mr. Koss:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mm
encl.
cc: Peoples Counsel

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently reside at

2 Spirit Lane, Owings Mills, MD 21117
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

The slope of the lot does not allow building a deck to conform to county code setbacks. Deck sliding down came with the house. It is impractical to build anywhere else on the building.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature)

AFFIANT (Handwritten Signature)

ALEXANDER M. KOSS, JR.
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of August, 19 91, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Alexander M. Koss, Jr.

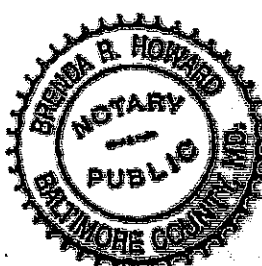
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

August 16, 1991
DATE

Robert Public
NOTARY PUBLIC

My Commission Expires: 3-1-93



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: October 24, 1991
Posted for: Residential Variance
Petitioner: Alex Koss
Location of property: 2 Spirit Lane, Owings Mills, Maryland 21117
Location of Sign: In front of 2 Spirit Lane
Remarks: See attached order
Posted by: L. Schmidt Signature: L. Schmidt Date of return: October 24, 1991
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

Account: R-001-6150
Number:

receipt

DA04#008611CNC
BA 101105MHC-15-91
Please Make Checks Payable To Baltimore County

\$60.00

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-178-A 192

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plot attached hereto and made a part hereof, petition for a Variance from Section 1802.3.D. to Allow an open projection (deck) to be 8' in lieu of the required 11.75' in a D.R. 16 zone.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (Indicate hardship or practical difficulty):
The slope of the lot does not permit building a deck to conform to county code setbacks. The house sliding down came with the house. It is impractical to build anywhere else on the building.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Alex Koss

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2 Spirit Lane, Owings Mills, MD 21117

Address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of Oct, 19 91, that the subject matter of this petition be posted on the property on or before the 30th day of Nov, 19 91.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER OF BALTIMORE COUNTY



ZONING COMMISSIONER OF BALTIMORE COUNTY

111 West Chesapeake Avenue
Towson, MD 21204

October 24, 1991

COPY

Alex Koss
2 Spirit Lane
Owings Mills, Maryland 21117

RE: CASE NUMBER: 92-178-A
LOCATION: N/S Spirit Lane, 100' E of c/l of Greenacres Valley Road
2 Spirit Lane
2nd Election District - 2nd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a reaffirmation regarding the administrative process.

1) Your property will be posted on or before November 3, 1991. The closing date is November 16, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER, BALTIMORE COUNTY

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
11 West Chesapeake Avenue
Towson, MD 21204
November 6, 1991

Mr. Alex Koss
2 Spirit Lane
Owings Mills, MD 21217

RE: Item No. 192, Case No. 92-178-A
Petitioner: Alex Koss
Petition for Residential Variance

Dear Mr. Koss:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: November 6, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

Your petition has been received and accepted for filing this
15th day of October, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Alex Koss

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 4, 1991
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Bertoldi Property, Item No. 172
Koss Property, Item No. 192
Pitts Property, Item No. 193
Weimer Property, Item No. 196
Frey Property, Item No. 197
Goodwin Property, Item No. 198
Pettit Property, Item No. 199
McQuain Property, Item No. 200
Osment Property, Item No. 201
Shapiro Property, Item No. 203
Chaney Property, Item No. 204
Colleran Property, Item No. 207
Fisher Property, Item No. 208
Wilson Property, Item No. 211

In reference to the petitioners' request, the staff offers
no comments.

If there should be any further questions or if this office can
provide additional information, please contact Jeffrey Long in the
Office of Planning at 887-3211.

PK/JL/rdn

ITMS172/TXTROZ

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
(301) 847-4500

OCTOBER 29, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ALEX KOSS

Location: #2 SPIRIT LANE

Item No.: 192 Zoning Agenda: OCTOBER 29, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *James E. Dyer* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

92-178-A 11/8

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: November 19, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 29, 1991

This office has no comments for item numbers 172, 192, 194, 195, 196, 197, 198, 199, 200 and 202.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

92-178-A 11/8

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 29, 1991
Zoning Administration and Development Management

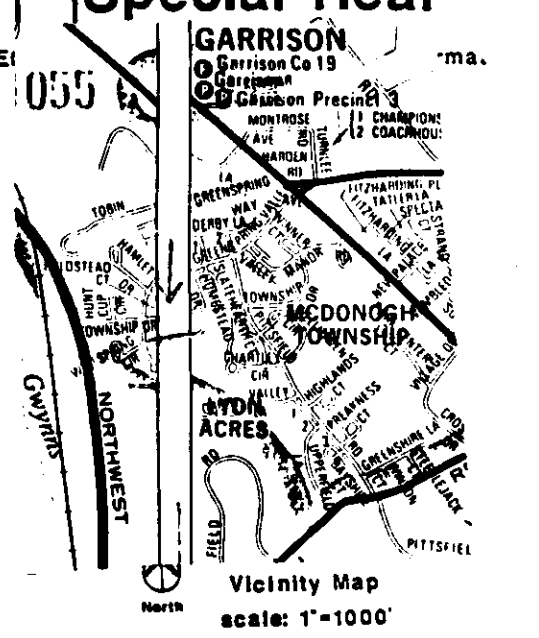
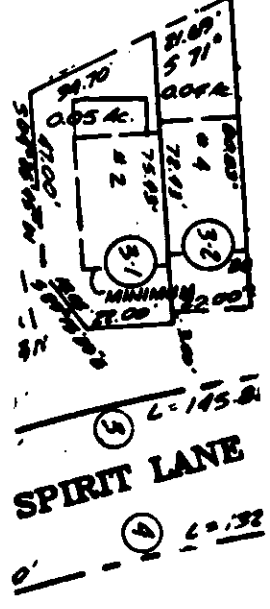
FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for October 29, 1991

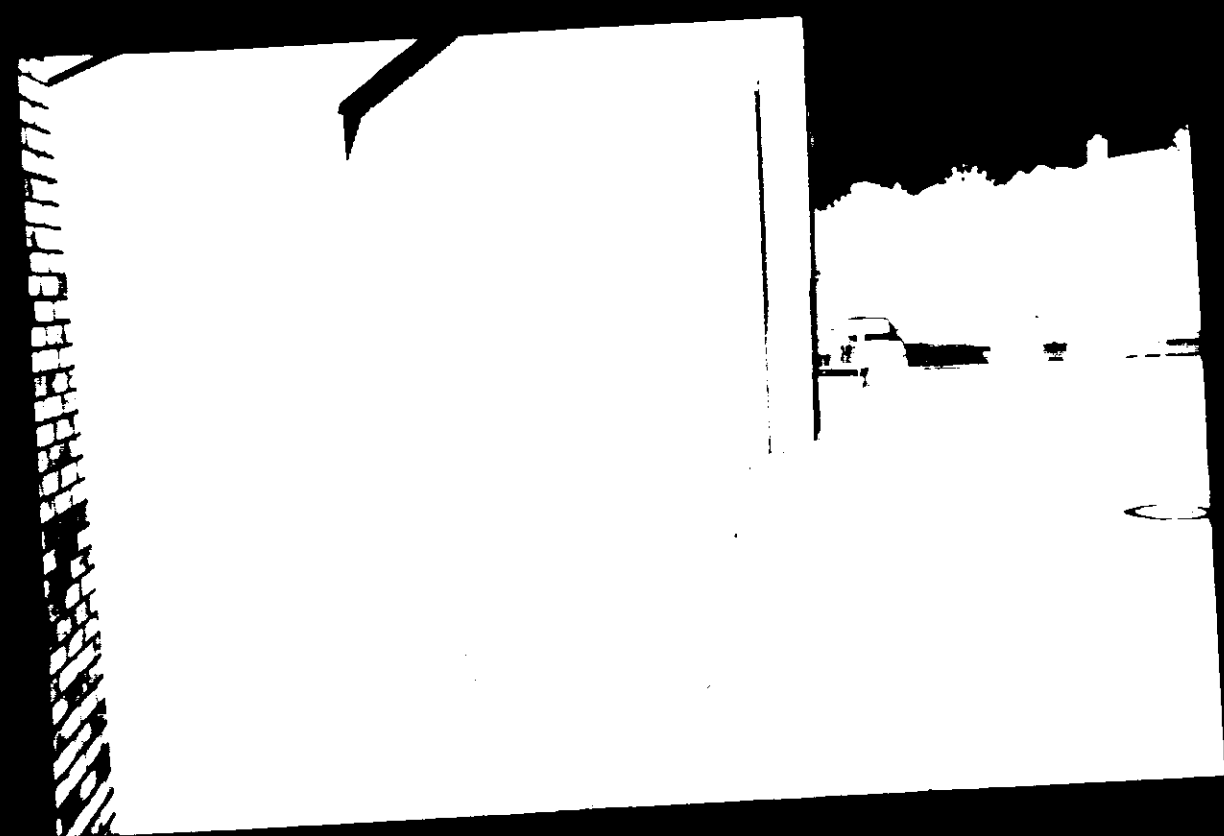
The Developers Engineering Division has reviewed
the subject zoning items and we have no comments for
Items 172, 190, 192, 193, 194, 195, 196, 197, 198, 199,
200 and 202.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

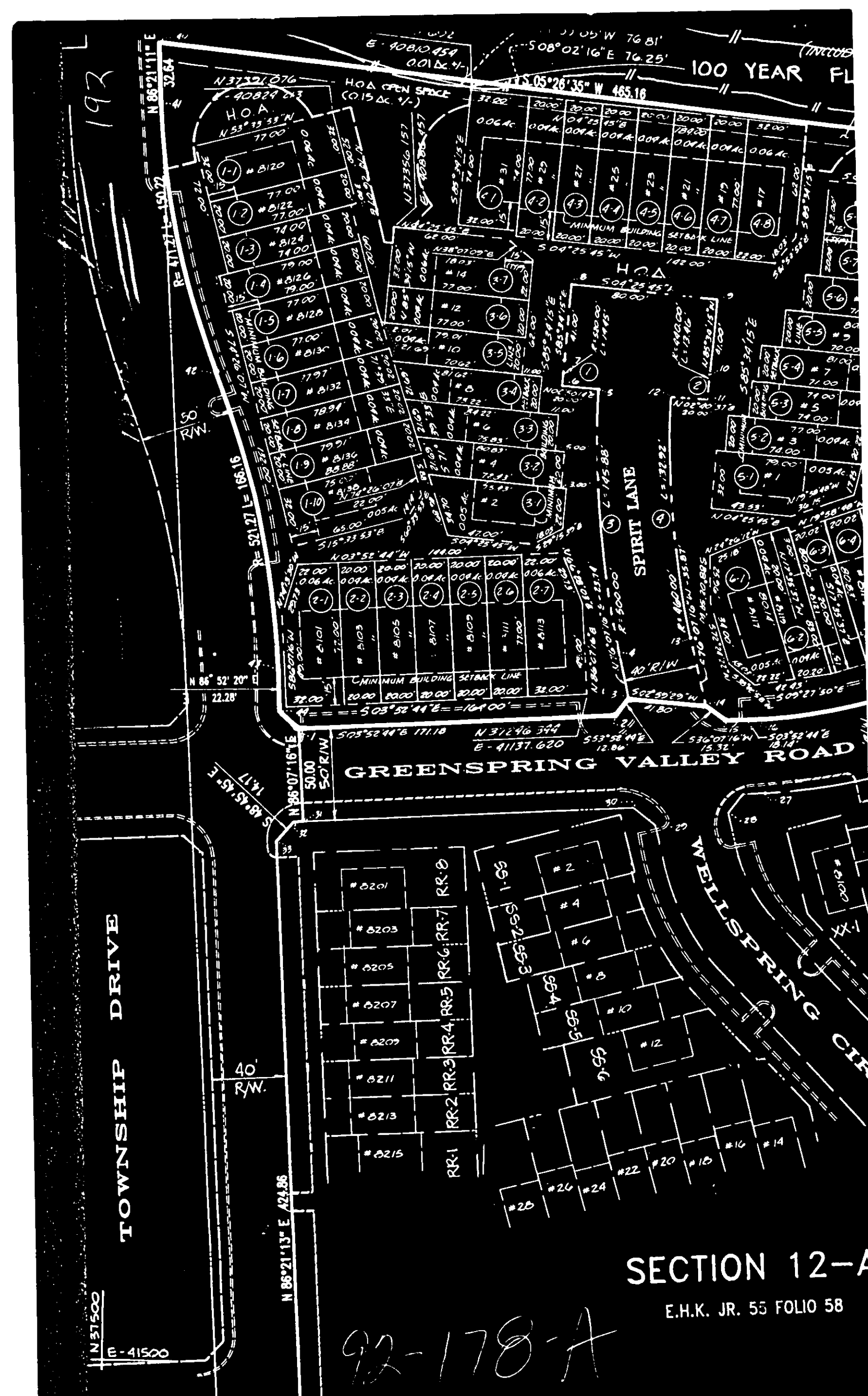
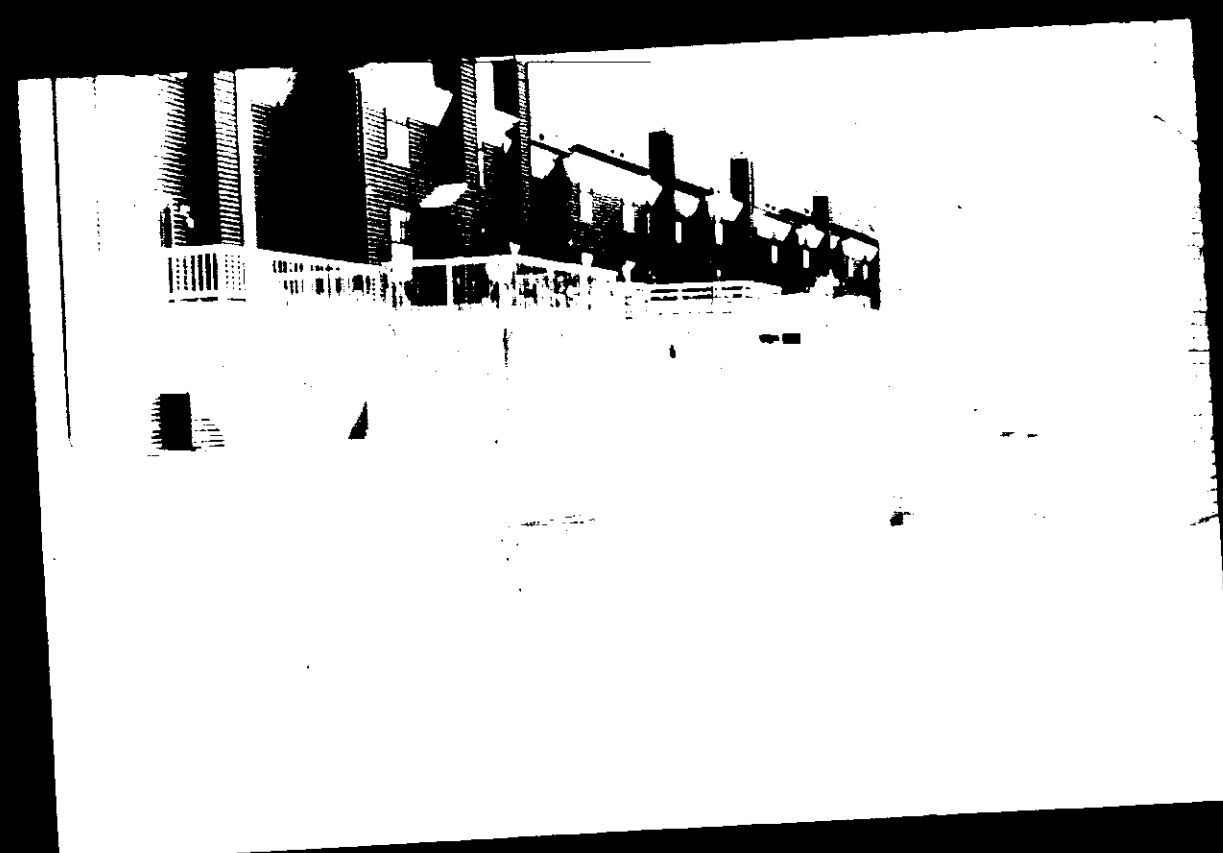
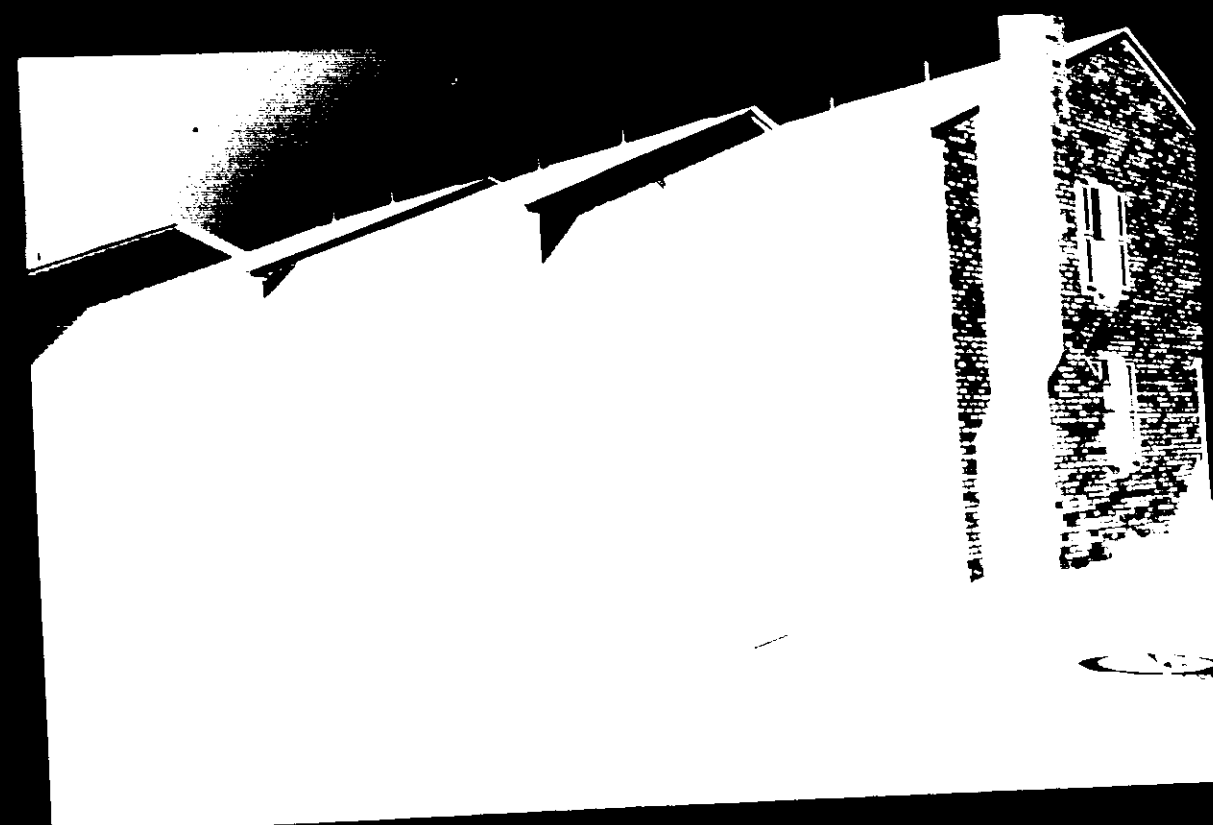
RWB:s

Plat to accompany Petition for Zoning Variance		Special Hear
PROPERTY ADDRESS: <u>#2 Spirit Lane</u> Subdivision name: <u>McDonough Townships</u> plat book: <u>137, folio 136, lot 27, section 12 B</u> OWNER: <u>Alexander Koss</u>		
<i>Petitioner's Exhibit #1</i> 		
LOCATION INFORMATION Councilmanic District: <u>03</u> Election District: <u>3</u> 1"-200' scale map: <u>NW 10 G</u> Zoning: <u>DF</u> Lot size: <u>0.05</u> acreage square foot SEWER: <input checked="" type="checkbox"/> public <input type="checkbox"/> private WATER: <input checked="" type="checkbox"/> <input type="checkbox"/> Chesapeake Bay Critical Area: <input type="checkbox"/> Prior Zoning Hearings: <u>None</u>		
Zoning Office USE ONLY! reviewed by: <u>JK</u> ITEM #: <u>192</u> date: <u>11/19/91</u> prepared by: <u>JK</u> Scale of Drawing: 1"=50'		

92-178-A



92-178-A





192. 92-178-A

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

BALTIMORE
OFFICE OF PLANNING AND ZONING
PHOTOGRAPH

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1966

LOCATION
GARRISON
CHATTOLANEE

SHEET

N.W.

10-G

MICROFILMED